



Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of: )  
 )  
Acceleration of Broadband Deployment ) WC Docket No. 11-59  
Expanding the Reach and Reducing the Cost of )  
Broadband Deployment by Improving Policies )  
Regarding Public Rights of Way and Wireless )  
Facilities Siting )

To: The Commission

**REPLY COMMENTS OF THE  
CITY OF RICHMOND, CALIFORNIA**

The City of Richmond, California ("Richmond") respectfully submits these Reply Comments to the Commission in the above-entitled Notice of Inquiry ("NOI") proceedings.

Richmond has become aware that certain comments of Verizon and Verizon Wireless ("Verizon") submitted to the Commission in this NOI contain material factual errors and seriously distort the actual facts regarding Richmond's efficient, timely, and reasonable-cost processing of wireless site applications.

**I  
Matters of Fairness**

Initially, Richmond notes that the allegations leveled by Verizon were never served on Richmond by Verizon. Richmond is aware that other municipal commenters in this NOI have also stated that the telecommunications industry has not served the allegations on the municipalities mentioned by the industry commenters. This attempt by the telecommunications industry to insert unsupported (and in various cases materially incorrect) allegations in the record without serving notice on the affected parties does not provide a sound basis or record upon which the Commission should act.

## II

### Verizon Misstates Material Facts Regarding Richmond

Turning to the allegations raised by Verizon in connection with Richmond, Verizon states that “minor activities such as the addition of new antennas to an existing structure or other activities that do not effect (sic) any material change in the underlying structure must go through the same rigorous and time-consuming local zoning process as a new tower.” (Comments of Verizon and Verizon Wireless @ Pg. 8 and fn. 12).

Richmond conducted a review of the wireless site applications tendered to it for the period of November, 2009 through September, 2011, after (as mentioned below) Richmond adopted a new comprehensive wireless ordinance addressing both industry and local concerns regarding process and siting of wireless telecommunications facilities. Of the 19 applications received during that period, Richmond approved 17 of them in an average of about 80 days, and at an average cost to the applicant of about \$1,800. Only two of the 19 applications are still pending, with both now scheduled for review before the Planning Commission on October 6, 2011.

None of the 19 wireless siting applications received by Richmond during the past two years were tendered by Verizon. Given that Verizon has not participated in the City’s wireless siting process for a period of years, it is disingenuous for Verizon to make clearly inaccurate claims about Richmond’s wireless siting process and the efficient results flowing from Richmond’s process.

## III

### PCIA Misstates Material Fact Regarding Richmond

Turning to an allegation raised by the Personal Communications Industry Association (“PCIA”) in connection with Richmond, PCIA asserts that the City of Richmond, California has had in place a wireless facility siting moratorium since February, 2011. (Comments of PCIA Exhibit B, Section II @ pg. 6.) This is simply not true, and PCIA does not provide any source for its factually incorrect assertion.

The City did legally, prudently, and appropriately declare a wireless siting moratorium during the period it developed its current wireless siting ordinance (a development process that involved significant input from the wireless industry), but that moratorium was lifted on August 28, 2009, the same day the new wireless ordinance became effective. A further moratorium was declared and effective from February 1, 2011 to May 12, 2011, in order to revise the ordinance to address new concerns raised by Planning staff regarding aesthetics and public safety and welfare, including issues of compatibility and detriment to residential properties.

Richmond joins with other municipal commenters stating that PCIA's inaccurate claims should be rejected by the Commission.

#### IV

##### Use of Municipal Consultants is Useful in Speeding-up the Siting Process

PCIA also claims that various "consultants identified by the wireless infrastructure industry [are] obstructionists and problematic." Richmond joins with other municipal commenters stating that PCIA's claim should be rejected by the Commission.

As noted by the City of Glendale, California, "PCIA's allegations are vague and unsubstantiated. They fail to identify which consultants are identified, who identified them, and what they may have done to create the so-called barriers against deployment of wireless facilities." (Reply Comments of the City of Glendale, California @ Pg. 2.)

Richmond has only occasionally used municipal consultants to assist in the wireless siting process, but when Richmond has used municipal consultants, their use has been to provide specialized technical or legal expertise that was simply not available within the city government.

Given the increasing complexity of signal coverage and use capacity issues raised by wireless carriers in wireless facility siting applications, and in light of the various federal and state court decisions that shape wireless siting practices in California, the use of municipal consultants by Richmond and other city governments can actually speed-up the wireless siting process by identifying matters that can quickly be resolved by governments and wireless applicants. Richmond notes that while it only rarely uses municipal consultants in the wireless siting process, the opposite is true for wireless carriers who almost exclusively use local consultants to apply for wireless siting permits.

#### V

##### Conclusions

The process of wireless facilities siting is complex from a legal standpoint and from a community aesthetics viewpoint. It requires a reasonable balance of local encouragement and reasonable local restraints on unfettered proliferation. Richmond has struck a balance of these elements that respects the interests of all concerned, not merely the community or the wireless industry.


Richmond believes that good national guidance and policy comes from factually accurate and reliable information that is broadly applicable rather than industry-sponsored innuendo regarding a relative handful of communities. Accordingly, Richmond believes the Commission should not rely on factually inaccurate and unreliable information and information that is far out-of-date and only applicable to a minute number of governments as any basis for crafting new rules and policies in wireless tower siting matters.

Richmond supports the idea of the Commission serving as an information resource for local governments in wireless tower siting matters.

The City of Richmond thanks the Commission for its consideration of these Reply Comments.

THE CITY OF RICHMOND, CALIFORNIA

by

  
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Date: 9/30/11

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